IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS BEAUMONT DIVISION

RUSSELL DINOVO §

VS. § CIVIL ACTION NO. 1:07-CV-288

FEDERAL BUREAU OF PRISONS, ET AL. §

MEMORANDUM ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Russell Dinovo, a prisoner confined at the United States Penitentiary in Beaumont, Texas, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to *Bivens v*. *Six Unknown Agents of the Federal Bureau of Narcotics*, 403 U.S. 388 (1971), against the Federal Bureau of Prisons, Warden T. C. Outlaw, Dr. A. Villasan, Nurse M. Ross, National Appeals Coordinator Harrell Watts, Medical Administrator Pizzaro, Dr. Soloway, and unidentified defendants.

The court ordered that this matter be referred to the Honorable Keith F. Giblin, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing the action pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim upon which relief may be granted.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such order, along with the record and pleadings.

No objections to the Report and Recommendation of United States Magistrate Judge were filed by the parties.

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

So ORDERED and SIGNED this 18 day of November, 2009.

Ron Clark, United States District Judge

Rm Clark